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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/777,724	02/12/2004	Richard Louis Arndt	AUS920031060US1	5919

35525 7590 10/10/2006

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EXAMINER

BLACK, LINH

ART UNIT PAPER NUMBER

2163

DATE MAILED: 10/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/777,724	Applicant(s) ARNDT ET AL.	
	Examiner LINH BLACK	Art Unit 2163	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This communication is in response to the documents dated 2/12/04. Claims 1-21 are pending in the application. Claims 1, 11, and 21 are independent claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Bugnion et al (USP 6075938).

As per claim 1, Bugnion et al. teach

granting, by a server partition in the logical partitioned data processing system, a logical resource to a client partition in the logical partitioned data processing system, wherein the logical resource corresponds to a physical resource – col. 4, lines 25-67; col. 6, lines 6-36; col. 8, lines 56-65; figs. 2 and 5; col. 10, lines 14-25; col. 11, lines 20-56.

mapping, by the client partition, the logical resource to the physical resource – col. 12, lines 13-59; col. 14, line 66 to col. 15, line 9.

As per claim 2, Bugnion et al. teach

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generating an identifier for the logical resource – col. 13, lines 7-14.

As per claim 3, Bugnion et al. teach

wherein the identifier is unique within the client partition – col. 2, lines 35-49; col. 6, lines 40-67; col. 10, lines 14-25.

As per claim 4, Bugnion et al. teach

wherein the identifier cannot be used to access the logical resource outside the client partition – col. 11, lines 20-41.

As per claim 5, Bugnion et al. teach

returning, by the client partition, the logical resource to the server partition – col. 14, lines 19-30.

As per claims 6-7, Bugnion et al. teach

rescinding, by the server partition, the logical resource; responsive to a determination, at the server partition, that the client partition is incapable of gracefully returning the logical resource, performing a forced rescind operation – col. 3, lines 17-43.

As per claim 8, Bugnion et al. teach

preventing translation tables in the client partition from containing references to a physical address of the logical resource – col. 12, lines 13-38.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bugnion et al (USP 6075938), and further in view of Blumenau et al. (US 20040054866).

As per claims 9-10, Bugnion et al. teach responsive to a failure of the server partition, notifying the client partition of the failure of the server partition – col. 5, lines 40-47.

However, Bugnion et al. do not teach recovering outstanding shared logical resources for the server partition; restarting the server partition. Blumenau et al. teach storage volume partitioning by named groups – pars. 0084-0086; mapping of logical volumes and physical volumes – pars. 0148, 0238; higher mean time before failure and recovering logical resources and restarting/booting the volume or partition – pars. 0062, 0170-0171. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine Bugnion et al. and Blumenau et al. to better recovering the shared logical resources thus, allow better data sharing for users.

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Claims 11-21 claim the same subject matter as of claims 1-10 are rejected based on the same ground of rejection.

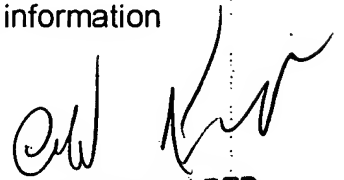
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LINH BLACK whose telephone number is 571-272-4106. The examiner can normally be reached on 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on 571-272-1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LINH BLACK
Examiner
Art Unit 2163


ALFORD KINDRED
PRIMARY EXAMINER

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September 27, 2006